

10 CSR 10-2.100 Open Burning Restrictions

(1) Refuse Burning Restrictions.

(A) On and after May 1, 1969 no person may conduct, cause, permit, or allow open burning of refuse.

(2) Prohibition of Salvage Operations by Open Burning.

(A) On and after ninety (90) days from the effective date of this regulation, no person may conduct, cause, permit or allow a salvage operation by open burning.

(3) Restrictions on Open Burning of Trade Wastes.

(A) On and after one hundred eighty (180) days from the effective date of this regulation, no person may conduct, cause, permit or allow, the disposal of trade wastes by open burning.

(4) Exceptions

(A) Open burning of household refuse originating from a residence of fewer than five (5) dwelling units shall not be in violation of section (1) of this regulation, provided that such burning takes place on the premises where the refuse originates, and provided further that such burning takes place either:
1) within an area zoned for agricultural purposes, or 2) outside that portion of the metropolitan area surrounded by the corporate limits of Kansas City and every contiguous municipality.

(B) The open burning of trade wastes and vegetation may be permitted only when it can be shown that such open burning is the only feasible method of disposal and that disposal is in the public interest. Any person intending to engage in such open burning shall file a request to do so with the director. The application shall state the following:

1. The name, address, and telephone number of the person submitting the application;

2. The type of business or activity involved;

3. A description of the proposed equipment and operating practices, the type, quantity, and composition of materials to be burned, and the expected composition and amount of air contaminants to be released to the atmosphere, where known;

4. The schedule of burning operations;

5. The exact location where the open burning will occur;

6. Reasons why open burning is the only feasible method of disposal and why disposal is in the public interest; and

7. Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction. Upon approval of the application by the director, the person may proceed with the operation without being in violation of sections (1) or (3) of this regulation, but such approval shall not exempt the applicant from the provisions of any other law, ordinance or regulation.

(C) An open burning permit may be issued by the director for open burning on a continual basis at a sanitary landfill, demolition landfill, compost plant, transfer station, or salvage operation provided that:

1. The sanitary landfill, demolition landfill, compost plant, transfer station, or salvage operation has a valid permit issued by the Waste Management Program under the provisions of sections 260.200 through 260.245 RSMo (1978), or is approved for open burning by the director in cases where a Waste Management Program permit is not required;

2. Only tree trunks, tree limbs, vegetation, or untreated waste lumber are burned;

3. The open burning will take place at a time of day when atmospheric conditions will permit adequate dispersion of smoke;

4. The distance from the open burning site to the nearest inhabited residence or commercial business is at least two hundred (200) yards or such greater distance as determined by the director to be required to prevent a nuisance;

5. The open burning will not hinder the operation of the installation itself, ignite material other than that specified in (4)(C)2., or otherwise create a fire hazard;

6. The fire control authority which has jurisdiction approves the method and site of open burning;

7. The owner or operator complies with all applicable laws, regulations, and ordinances regulating open burning;

8. The owner or operator submits information to the

director prior to the issuance of the permit showing that the conditions of this subsection will be met;

9. The director may place conditions in the permit concerning times, methods, and locations of burning in order to prevent air pollution, nuisance conditions, or safety hazards;

10. In a nonattainment area, as defined in 10 CSR 10-6.020(2)(N)3., the director shall not issue a permit under this subsection, unless the owner or operator can demonstrate to the satisfaction of the director that the emissions from the open burning of the specified material would be less than the emissions from otherwise processing the specified material; and

11. The permit may be revoked if the owner or operator fails to comply with the provisions of this subsection, or any condition of the permit, or if a permit issued by the Waste Management Program as specified in (4)(C)1. is revoked or voided.

(D) This regulation shall not apply to the following:

1. Fires set in connection with agricultural operations related to the growing or harvesting of crops;

b. fires set for the purpose of instructing and training firemen in the methods of fighting fires.

2. The burning of gaseous trade wastes in refinery or industrial chemical safety flares. Full smokeless-tip combustion, steam addition, or other flare smoke control methods approved by the executive secretary shall be used, and emissions may not be of shade or density equal to or greater than No. 1 on the Ringelmann Chart.

3. Fires used for recreational purposes, or fires used for the non-commercial preparation of food such as by barbecuing.

EPA Rulemakings

Description: The EPA approved a revision to the regulation which: (1) added permit requirements for open burning of untreated wood wastes at solid waste disposal and processing installations, and (2) made other editorial changes.

[illegible]

Description: The EPA approved recodification of the rule from Regulation IX (Kansas City Metropolitan Area) to 10 C.S.R. 10-2.100.

[illegible]

Description: The EPA approved Regulation IX (Kansas City Metropolitan Area) as part of the original SIP submission.

[illegible]

Difference Between the State and EPA-Approved Regulation

The state regulation is the same except: (1) numbering within Sections (1), (2), (3), and (4); (2) an exemption pertaining to training firemen from the original Rule IX no longer in the state rule; (3) editorial changes in Section (4)(D)2.; (4) provisions for open burning restrictions in St. Joseph in Section (4)(A) and in a new Section (4)(E); and (5) provisions pertaining to botanical nursery operations in Section (4)(D)1.